

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-26 were pending in this application. Claims 4 and 16 have been canceled by way of this reply without prejudice or disclaimer. Accordingly, claims 1-3, 5-15, and 17-26 are now pending in this application. Claims 1, 13, 23-26 are independent. The remaining claims depend, directly or indirectly, from claim 1 or 13.

Claim Amendments

Independent claim 1 has been amended by way of this reply to include all the limitations of claim 4. Independent claim 13 has been amended by way of this reply to include all the limitations of claim 16. Independent claims 23-26 have been amended by way of this reply to include all the limitations of claim 4 or 16 and to comply with a method or computer-readable medium claim form. Claims 8, 12, 13, 20, 23, and 24-26 have been amended to correct minor errors. No new matter has been added by way of these amendments, as support for these amendments is present, for example, in originally-filed claims.

Objection(s) to the Specification

The Examiner objected to the Specification for failing to include a Cross-Reference to Related Applications section. However, Applicant submitted an appropriate Application Data Sheet with the Previous Response dated July 16, 2007. Accordingly, withdrawal of this objection is respectfully requested.

Objection(s) to the Claims

Claims 8 and 20 are objected to because of the informalities. Claims 8 and 20 have been amended as suggested by the Examiner. Accordingly, withdrawal of this objection is respectfully requested.

Claim Rejection(s) under 35 U.S.C. § 101

Claims 23 and 24 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 23 and 24 have been amended as suggested by the Examiner. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejection(s) under 35 U.S.C. § 112

Claims 12-22, 24, and 26 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Independent claims 12, 13, 24, and 26 have been amended by way of this reply

as suggested by the Examiner. Claims 14-22 depend upon claim 13. Accordingly, withdrawal of this rejection is respectfully requested.

Additionally, Applicant respectfully submits that this rejection of record is clearly inconsistent with MPEP § 706, which specifies that, “[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.”

In fact, while the Examiner alleges that, “Applicant has not amended a few of the addressed 35 U.S.C. 112 second paragraph issues and therefore the Examiner has once again addressed these issues (*see* Office Action dated September 6, 2007, at page 2), Applicant notes that the claims were amended as suggested by the Examiner in the Previous Response dated July 16, 2007. Claims 12 and 13 are rejected based on new grounds, which were not indicated by the Examiner in the previous Office Action. For example, the Examiner indicates that the limitation “object, the link information” lacks clear antecedent basis in the instant Office Action, which was not indicated in the previous Office Action (*see* Office Action dated September 6, 2007, at page 8 and Office Action dated March 19, 2007, at pages 6-8). In any event, Applicant includes further amendments in this reply that are believed to fully resolve all pending issues under 35 U.S.C. § 112.

Rejections under 35 U.S.C. § 103

Claims 1-3, 5-12, 23, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent Publication No. 2002/0113862 to Center (hereinafter “Center”). Claims 13-15, 17-22, 24, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable

over Center in view of the article "Making saturated facial images useful again" (hereinafter "Soriano").

As explained above, independent claim 1 has been amended by way of this reply to include all the limitations of claim 4. Independent claim 13 has been amended by way of this reply to include all the limitations of claim 16. Independent claims 23-26 have been amended by way of this reply to include all the limitations of claim 4 or 16. Accordingly, these rejections are now moot.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Center as applied to claim 1 in view of European Patent Publication No. EP1158786 to Aoki (hereinafter "Aoki"). Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Center as modified by Soriano as applied to claim 13 in view of Aoki. Independent claims 1, 13, and 23-26 have been amended as discussed above. To the extent that these rejections may still apply to the amended claims, the rejections are respectfully traversed for at least the reasons set forth below.

Independent claims 1 and 13 require, in part, "a distance recognition part for recognizing a distance between an object and the image pickup unit," and, "wherein the face image extraction part includes a part for specifying a size of the face image to be extracted, based on a result of recognition by the distance recognition part."

The Examiner acknowledges that Center fails to show or suggest "a distance recognition part" as required by claim 4. Nevertheless, the Examiner alleges that Aoki discloses "a distance recognition part" relied upon paragraphs [0132]-[0134] of Aoki, alleging that it would have been

obvious to one of ordinary skill in the art to modify Center's device using Aoki's teachings by including the distance recognition part for resizing in order to locate and display the face on the monitor fully (*see* Office Action dated September 5, 2007, at pages 20 and 21).

However, in contrast to amended independent claims 1 and 13, Aoki fails to show or suggest at least "a distance recognition part for recognizing a distance to an object." In fact, Aoki clearly teaches calculating a distance between characteristic portions, not recognizing a distance to an object.

Specifically, Aoki states that, "the image of the characteristic portion of the image to be transmitted is used to calculate the distance of the characteristic portion." Also, Aoki states that, "for example, the portion of the eyes is taken out for the characteristic portion, the rate of enlargement or reduction of the image is determined from the distance between the two eyes" (*see* Aoki, paragraphs [0132]-[0134]). Further, Figures 11 and 12 of Aoki show using a distance between two eyes and a distance between eyes and a mouth, which are shown as "a" and "b."

Thus, it would be clear to one skilled in the art that Aoki teaches using distance between characteristic portions, such as a distance between eyes and a distance between eyes and a mouth. Therefore, Aoki fails to show or suggest at least "a distance recognition part for recognizing a distance between an object and the image pickup unit" as required by amended independent claims 1 and 13. Further, because Aoki fails to show or suggest using a distance to an object as explained above, Aoki also necessarily cannot show or suggest at least the feature, "the face image extraction part includes a part for specifying a size of the face image to be extracted, based on a result of recognition by the distance recognition part," as required by amended independent claims 1 and 13.

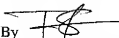
In view of above, Center, Aoki, and Soriano, whether taken separately or in combination, fail to show or suggest the invention as recited in amended independent claims 1 and 13. Thus, independent claims 1 and 13 are patentable over Center, Aoki, and Soriano. Further, in view of the similarity between the limitations of amended independent claims 23-26 and the limitations discussed above with respect to amended independent claims 1 and 13, Applicant respectfully submits that the foregoing arguments as to the patentability of amended independent claims 1 and 13 also demonstrate the patentability of independent claims 23-26. As such, it is respectfully submitted that independent claims 23-26 are patentably distinguishable over the cited references at least for reasons analogous to those presented above. Dependent claims are allowable for at least same reasons. Accordingly, withdrawal of these rejections is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 15115/103001).

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Respectfully submitted,

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